

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION
Northeast N.W.M.

LUCY WIGGS, INDIVIDUALLY, AND LUCY WIGGS,
AS TRUSTEE OF THE ALBERT WIGGS
TESTAMENTARY TRUST, MARY ANN BRABNER,
INDIVIDUALLY, AND MARY ANN BRABNER,
AS TRUSTEE OF THE CARL SASSAMAN
TESTAMENTARY TRUST

PLAINTIFFS

VS.

NO. 3:18-CV-00072 DPM

ZANONE PLANTATION, LLC

DEFENDANT

AGREED JUDGMENT

The Court, being advised that the parties hereto have reached an accommodation and agreement regarding the issues raised in Plaintiffs' Complaint and Defendant's Answer and have reduced said agreement to a document entitled "Stipulation for Compromise Settlement and Agreed Judgment", and the Court having approved same, finds as follows:

1. The Stipulation for Compromise Settlement and Agreed Judgment executed by and between the parties and dated effective 26 Aug., 2019, is incorporated herein to become part of the Court's order in this case.

2. Based on the stipulations contained therein, the Court holds:

(a) The diversion ditch created by Defendant shall serve as a means of allowing normal surface water to drain off Plaintiffs' property. To that end, the Defendant and his successors and assigns, as defined by the Stipulation for Compromise Settlement and Consent Judgment, is ordered and directed to maintain the diversion ditch as constructed on Defendant's property to allow reasonable normal surface water to drain off of Plaintiff's property. The diversion ditch

shall be dug and maintained at a level equal to the level of the removed culvert that was located approximately 5,786 feet North of Northwood Drive Extended with the elevation to be determined by the Horseshoe Lake Irrigation and Improvement District engineer. Plaintiff shall not take any action that shall cause an increase in the reasonable normal surface water to drain off of Plaintiff's property.

(b) Defendant and his successors and assigns, as defined in the Compromise Settlement and Agreed Judgment, shall be responsible for maintaining the diversion ditch at appropriate levels and free from obstruction in order that surface water may flow freely through the diversion ditch and to take timely, reasonable and appropriate action so as to allow surface water to drain off Plaintiffs' property adequately and commensurate with Defendant's own property's drainage into Horseshoe Lake.

3. Plaintiffs' request for monetary damages is dismissed.
4. Each party shall bear his, her or its own attorney's fees and costs.
5. The Court will retain jurisdiction of this matter for a period of 18 months from the date of entry of this Agreed Judgment for the purpose of enforcement.

IT IS SO ORDERED.

WPM Marshall Jr.
UNITED STATES DISTRICT JUDGE

Date: 29 November 2019